IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.191 OF 2005

Shri.Ashok Kumar Srivastava ..Applicant

Vs.

Standarad Chartered Bank
& Anr. ..Respondents

...

Mrs.Snehlata A.Srivastava i/b Mr.N.V.Vechalekar
Advocate for Applicant
Mr. Y.S.Shinde A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : AUGUST 29,2005

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State. The learned advocate for the applicant states that she is not pressing the prayer clause (e) and she is only pressing prayer for quashing. Therefore, this application is being considered only in respect of prayer of quashing of process.

2. The applicant is seeking quashing of process issued by the learned Judicial Magistrate

F.C.[A.C.] Pune in C.C.No.653 of 2004. In the said case process was issued against the applicant under Section 138 r.w. 142 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, I am of the opinion that the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicant makes a statement that the necessary revision will be preferred within four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Application is disposed of.

[V.K.TAHILRAMANI,J.]